

21 C.J.S. Courts § 300

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Courts

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VIII. Concurrent and Conflicting Jurisdiction

B. State and United States Courts

4. Enjoining Proceedings in Other Court

b. Exceptions to Anti-Injunction Act

§ 300. Protection of jurisdiction exception to Anti-Injunction Act—In rem or in personam jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  508(3) to 508(5)

There is authority holding that the "necessary in aid of jurisdiction" exception in the Anti-Injunction Act does not ordinarily permit injunctions merely to prevent duplicative actions in personam.

There is authority holding that because the threat posed by a parallel state court proceeding is most acute when federal jurisdiction is dependent upon a res,¹ the "necessary in aid of jurisdiction" exception in the Anti-Injunction Act does not ordinarily² permit injunctions merely to prevent duplicative actions in personam.³ Other authority holds, however, that a broader application of the exception is supported since the exception may be invoked if it is necessary to prevent a state court from so interfering with a federal court's consideration or disposition of a case as to seriously

impair the federal court's flexibility and authority to decide that case.⁴ Nevertheless, the exception is widely understood to apply most often when a federal court was the first in obtaining jurisdiction over a res in an in rem action and the same federal court seeks to enjoin suits in state courts involving the same res.⁵

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Footnotes

- 1 U.S.—[Bennett v. Medtronic, Inc.](#), 285 F.3d 801, 52 Fed. R. Serv. 3d 744 (9th Cir. 2002), as amended on denial of reh'g, (May 15, 2002).
- 2 U.S.—[In re Diet Drugs](#), 282 F.3d 220 (3d Cir. 2002).
- 3 U.S.—[Martingale LLC v. City of Louisville](#), 361 F.3d 297, 2004 FED App. 0080P (6th Cir. 2004); [In re BankAmerica Corp. Securities Litigation](#), 263 F.3d 795, 51 Fed. R. Serv. 3d 1 (8th Cir. 2001), as amended, (Oct. 3, 2001).
- 4 U.S.—[In re American Honda Motor Co., Inc., Dealerships Relations Litigation](#), 315 F.3d 417 (4th Cir. 2003).
- 5 U.S.—[In re American Honda Motor Co., Inc., Dealerships Relations Litigation](#), 315 F.3d 417 (4th Cir. 2003).

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